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EXAMINER
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CHONG CRUZ, NADJA N

ART UNIT	PAPER NUMBER
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3623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/858,122	<b>Applicant(s)</b> KATZ ET AL.	
	<b>Examiner</b> NADJA CHONG CRUZ	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 140-145, 150, 151, 155-159, 162, 169-174, 182, 183 and 230-238 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 230-238 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Status of Claims**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 November 2009 has been entered.
2. Claim 140 has been amended.
3. Claims 237-238 have been added.
4. Claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 230-238 are currently pending and have been examined.
5. The rejections of claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 230-238 have been updated to reflect the amendments.

### **Response to Amendment**

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.
7. The rejection of claims 230 and 231 under 35 USC § 112 is withdrawn in light of Applicant's arguments.

### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-238 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (U.S. 5,491,629) hereinafter "Fox" in view of Ouimet (US 2002/0107819 A1) further in both view of Salvo et al., (US 6,341,271 B1) hereinafter "Salvo" and Waller et al., (US 2001/0047293 A1) hereinafter "Waller".

As per **claim 140**, Fox discloses a method comprising:

*discovering, by a computer system, internal and external data related to a plurality of components to be procured by an enterprise*, (col. 6, lines 10-19 and 33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail industry. The internal and external data is used to revise a managerial plan (i.e., make strategic decisions).);

*wherein the internal data originates from one or more data sources internal to the enterprise* (col. 9, lines 33-35: "MIS architecture 402 captures store information 116" (e.g., internal data from a data source internal to the enterprise), see also col. 10, lines 39-54);

*and wherein the external data originates from one or more data sources external to the enterprise* (col. 9, lines 55-60 which teach that "[a]lso available to the retailer is external information 136. External information 136 can be economic, demographic, competitive, or any other information [...]. External information 136 is typically available via on-line data services or from external databases sources");

*storing, by the computer system, the discovered internal and external data in a data mart* (item 120 in Figure 1);

Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Ouimet in an analogous art of strategic planning for the purpose of determining criticality ratings (§ 0069) as shown does:

*using a first analysis module* (Figure 8) *"to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise* (§ 0069: "[t]he system gives the user the option of ranking" (e.g., determine criticality ratings) *"the multiple Strategic Objects" (e.g., the plurality of*

Art Unit: 3623

components) "in terms of weights" (e.g., criticality ratings) "to prioritize multiple strategic objectives" (e.g., indicates the strategic importance of the component of the operations of the enterprise) "or in terms of a target value" (e.g., a first set of user-defined parameters, for example maximize profit) "for a particular Strategic Objective.");

*and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters (figure 7) that qualify the internal or external data (¶ 0069 "When presented with a target value" (e.g., a user-defined parameters) "for a Strategic Objective, the system operates to find the proper weight" (e.g., determine criticality ratings indicating the strategic importance) "for the Objective" (e.g., the component to operations of the enterprise) "that will yield the target value after optimization. When presented with the weight of a Strategic Objective, the system proceeds to optimize the model in light of that weight."*

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox to include the teaching of Ouimet because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Fox in view of Ouimet does not expressly teach the following limitations. However Salvo in an analogous art of in an analogous art of inventory management system for the purpose of forecasting prices set by suppliers external to the enterprise (claim 6) as shown does:

*a second analysis module to forecast prices for the plurality of components set by suppliers external to the enterprise (claim 6: "the control unit [...] is capable of estimating future inventory price information to determine if an inventory order should be placed");*

*wherein the analyzing performed using the second analysis module is based on a second set of user-defined parameters that qualify the internal or external data (col. 6, lines 7-9, 22-24: [t]he control unit 114 is connected to an inventory price source 126, which is able to determine the lowest available price for the inventory 150" "the control unit 114 provides information concerning opportune times to purchase inventory based on price", user-defined parameters*

Art Unit: 3623

have been inputted into the control unit in order to determine the lowest available price for the inventory. Internal or external data have been qualified for determining the lowest available price for the inventory,

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet to include the teaching of Salvo because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Waller in an analogous art of inventory analysis for the purpose of determining optimal inventory levels (§ 0074) as shown does:

*using a third analysis module to determine optimal inventory levels for the plurality of components, wherein the analyzing performed using the third analysis module is based on a third set of user-defined parameters that qualify the internal or external data* (§ 0074 which teaches that "the optimization process" enables "a user to efficiently manage inventory" based for a product set that "offers the lowest possible total cost, highest possible economic profit, highest possible unit sales, highest possible sales revenue, highest possible gross margin, or a weighted combination of any of these objectives for the set of products being analyzed" (e.g., a third set of user-defined parameters) wherein "the proposed optimal solution is expressed in numbers of facings of the products or in optimal shelf inventory level");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both view of Ouimet and Salvo to include the teaching of Waller because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Further Fox teaches:

*recommending by the computer system, one or more proposed actions to take with respect to procurement of plurality of components based on the analyzing performed using the first, second, and third analysis modules (col. 8, lines 25-37; col. 18, lines 60-67; Figure 7; A revised managerial plan is generated in response to the analysis of the potential impact, where the revised managerial plan includes new/alterd (i.e., recommended) actions to the original managerial plan Examples of a managerial plan are product buying, product distribution and labor scheduling. Applicant admits that Fox. discloses recommending one or more new/alterd managerial plans on page 43 of the Remarks filed April 11, 2008.); and*

*providing by the computer system, one or more computer-initiated options for fully or partially executing an action in the one or more proposed actions (col. 10, line 56-col. 11, line 4; Figure 6; The workstation may be used to execute different portions of the managerial plan such as the buying, distributing or advertising.).*

As per **claim 141**, Fox discloses the method of claim 140, *wherein the discovered internal and external data stored in the data mart is organized for querying and report generation, and represented to the user in a plurality of formats (col. 6, lines 47-50; col. 8, lines 15-20; The data from the internal and external sources is queried and used to generate deweatherized managerial plans, which are provided via graphical reports.).*

As per **claim 142**, Fox discloses the method of claim 140, *further comprising producing, by the computer system, one or more reports based on the analyzing performed using the first, second, and third analysis module, wherein the one or more reports provide the user with information regarding an impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the plurality of components, and wherein the one or more reports include information displayed in one or more graphical formats (col. 6, lines 47-50; col. 7, lines 11-14).*

As per **claim 143**, Fox discloses the method of claim 142, *wherein the one or more graphical formats include a table, chart, graph, or map (col. 6, lines 47-50; col. 7, lines 11-14).*

Art Unit: 3623

As per **claim 144**, Fox discloses the method of claim 140, *further comprising producing, by the computer system, one or more reports based on the analyzing performed using the first, second, and third analysis module, wherein the one or more reports provide the user with information regarding an impact or potential impact of the discovered internal and external data on procurement decisions, sourcing decisions and strategic sourcing decisions in the enterprise with respect to the plurality of components, and wherein the one or more reports include information represented in one or more non-graphical formats* (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per **claim 145**, Fox discloses the method of claim 144, *wherein the one or more non-graphical formats include a news bulletin, an alert box or an audio message* (col. 6, lines 47-50; The predictive model showing the weather impact is provided via a report, or non-graphical format.).

As per **claim 150**, Fox discloses the method of claim 140, *wherein the step of discovering internal and external data assists the user in identifying parameters for criteria relevant to procurement decisions, sourcing decisions and strategic sourcing in the enterprise regarding the plurality of components* (col. 8, lines 52-64; col. 9, lines 3-25; Parameters, such as leadtimes, are used as relevant criteria to the decision making related to the managerial plan.).

As per **claim 162**, Fox discloses *wherein the step of discovering internal and external data includes extraction, transformation and loading of data, scanning of data that has been aggregated across a single business unit or across multiple business units of the enterprise* (col. 6, lines 10-19 and 33-40; Figure 5; A computer system uses internal and external data to determine an impact on the retail industry. The internal and external data is used to revise a managerial plan (i.e., make strategic decisions).

However, Fox does not expressly disclose conducting of real-time searching or customizing of real-time alerts and news feeds.

Fox disclose creating models related for advertising campaigns for users by collecting data such as external and internal data. It is old and well known in businesses to perform the functions of real-time searching, customized real-time alerting, and news feeds based on data currently



Art Unit: 3623

collected. It would have been obvious to one of ordinary skill in the art at the time of the invention to include these data-based features in the system of Fox in order to more accurately plan and manage the strategic decisions of the company based on the most current information.

As per **claim 174**, Fox discloses running the model weekly and monthly and using past data (See column 6). However, Fox does not explicitly *reintegrating the internal and external data into the data mart after each step of the method is performed, and wherein the data is continuously incorporated into the data mart automatically or at predetermined or other intervals*.

Fox discloses a modeling system that uses external and internal data and makes forecasts on weekly and monthly increments using past data. It is old and well known in the forecasting arts to update your data over-time in order to make more accurate projections. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to update and integrate data in the system of Fox in order to more accurately make predictions.

**Claims 151, 155-157 and 159** recite limitations similar to those already rejected above and are therefore rejected on the same basis as claims 140-145 and 150 above.

As per **claims 158 and 169-173**, examiner notes that claim 140 recites "providing by the computer system one or more computer-initiated options for fully or partially executing an action". Therefore, executing the action is not a positively recited step in the claim. Thus, claims 158, 169, and 171-173 fall outside the scope of the claims.

As per **claim 182** Fox does not expressly discloses *further comprising alerting the user of conditions that are relevant to the user's tasks in procurement, sourcing or strategic sourcing*. Examiner takes Official Notice that it is old and well known in workflow management processes to alert users of certain conditions in order to make the user aware of certain conditions happening during a workflow process so that the user can take certain actions at that time if necessary. It would have been obvious at the time of the invention to a person of ordinary skill in the art to modify Fox. to alert a user of a satisfied condition so that the user is made aware of a certain threshold being crossed and is able to take certain actions regarding the condition, if necessary, thereby providing the user with instant feedback regarding the status of things.

Art Unit: 3623

**Claim 183** recites limitations similar to those already rejected above and is therefore rejected on the same basis as claims 140-178, 150 and 182 above.

As per **claim 233** Fox does not expressly teach the following limitations. However Ouimet in an analogous art of strategic planning for the purpose of determining criticality ratings and forecasting prices (§ 0069 and 0026) as shown does:

*wherein the criticality rating for a component in the plurality of components is based on one or more variables including profit impact of the component, a number of products that would be affected by a shortage of the component, and a current inventory level of the component* (§0024 which teaches that “[t]he optimization routine successively analyzes the margin/revenue envelope to determine the scenario that gives the highest margin (profit) and the highest revenue”);

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox to include the teaching of Ouimet because as explained above.

As per **claim 232**, Fox et al. does not expressly disclose the following limitation. However Salvo in an analogous art of inventory management system for the purpose of providing conditions with values (col. 8 lines 51-60) as shown does:

*receiving by the computer system, a condition pertaining to the internal or external data; and if the condition is satisfied, sending an alert to the user* (col. 8 lines 51-60 which teaches that “[t]he control unit 114 and the service center 175 can send alerts to plant management at the manufacturing site and vendors (if desired), if a “critical” event [...] and changes in economic indicators occur.”);

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet to include the teaching of Salvo because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Art Unit: 3623

As per **claim 234** Fox does not expressly teach the following limitations. However Waller in an analogous art of inventory analysis for the purpose of determining optimal inventory levels (¶ 0074) as shown does:

*wherein the optimal inventory levels for the plurality of components are based on inventory holding costs, revenue impact of stocking out of the components, and warehouse constraints* (Figure 2, reference character 206 "Inventory holding cost factor, item cost, item selling price, cost per stockout per unit" and 211 "space constraint" e.g., warehouse constraints); Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both view of Ouimet and Salvo to include the teaching of Waller because as explained above.

As per **claim 235**, Fox teaches in col. 10, lines 33-35: "MIS architecture 402 captures store information 116" (e.g., internal data from a data source internal to the enterprise), see also col. 9, lines 39-54. Fox does not expressly teach the following limitations. However Waller in an analogous art of inventory analysis for the purpose of providing data sources internal to the enterprise (¶ 0087) as shown does:

*wherein the one or more data sources internal to the enterprise include: a supplier database comprising information about suppliers of the plurality of components; a contracts database comprising information about supplier contracts; an internal parts database comprising information about products incorporating the plurality of components; a supply chain data database comprising information about inventory levels for the plurality of components, warehouse locations, and production schedules; and an enterprise resource planning (ERP) database comprising information about accounting ledgers and financial records related to the plurality of components* (¶ 0087 teaches that "[t]hese are two types of data collections that can be imported into the optimizer database 36. The first, entity data, contains detail on each SKU" (e.g., an internal parts database) "that is to be analyzed. The second, demand data, contains weekly or daily demand information" (e.g., a supply chain database) "that will be transformed into model inputs"

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both view of Ouimet and Salvo to include the teaching of Waller because as explained above.

As per **claim 236** Fox discloses the method of claim 235 *wherein the one or more data sources external to the enterprise include: electronic product databases comprising information about products sold by one or more external suppliers, the information including pricing, availability, and lead time; and subscription sources comprising information about industry trends and market news* (col. 9, lines 55-60 that “[a]lso available to the retailer is external information 136. External information 136 can be economic, demographic, competitive,” (e.g., subscription source: industry trends and market news) “or any other information that the retailer believes is of value to assessing his business performance. External information 136 is typically available via on-line data services or from external databases sources”

As per **claim 237**, the limitations of claim 237 encompass substantially the same scope as claim 140. Accordingly, those similar limitations are rejected in substantially the same manner as claim 140, as described above. The following are the limitations of claim 237 that differ from claim 140.

Fox discloses a system (Figure 1) comprising:

*a storage device configured to store* (Figures 2, 4 and 5)

*a processing component communicatively coupled with the storage device* (Figure 7)

As per **claim 238**, the limitations of claim 238 encompass substantially the same scope as claim 140. Accordingly, those similar limitations are rejected in substantially the same manner as claim 140, as described above. The following are the limitations of claim 238 that differ from claim 140.

Fox discloses a computer readable storage medium (Figure 4) comprising:

*instructions* (Figure 4 and col. 19, lines 19-37: “computer software”)

10. Claim 230 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox. (U.S. 5,491,629) hereinafter “Fox” in both view of Salvo et al., (US 6,341,271 B1) hereinafter “Salvo” and Ouimet (US 2002/0107819 A1) further in view of Waller et al., (US 2001/0047293 A1) hereinafter “Waller” as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-238 above in view of Huang et al., (US 5,953,707) hereinafter “Huang”.

Art Unit: 3623

As per **claim 230** Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Huang in an analogous art of management of an agile supply chain for the purpose of determining shortage risks (col. 13, lines 39-40) as shown does:

*using a fourth analysis module to identify components in the plurality of components that are shortage risks, wherein the analyzing performed using the fourth analysis module is based on a fourth set of user-defined parameters that qualify the internal or external data* (col. 13, lines 39-40, which teaches that “[i]dentify those products that would be affected by the shortage of certain critical component” and figure 17 illustrates the inventory parameters (e.g., a fourth set of user-defined parameters));

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in both view of Ouimet and Waller to include the teaching of Huang because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

11. Claim 231 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox. (U.S. 5,491,629) hereinafter “Fox” in both view of Salvo et al., (US 6,341,271 B1) hereinafter “Salvo” and Ouimet (US 2002/0107819 A1) further in view of Waller et al., (US 2001/0047293 A1) hereinafter “Waller” as applied to claims 140-145, 150-151, 155-159, 162, 169-174, 182-183 and 233-238 above in view of Yang et al., (US 2001/0034673 A1) hereinafter “Yang”.

As per **claim 231** Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Yang in an analogous art of service part inventory planning and management for the purpose of allocating components (¶ 0024) as shown does

Art Unit: 3623

*using a fourth analysis module to determine, for each component in the plurality of components, an allocation of a purchase quantity of the component across a set of suppliers, and wherein the analyzing performed using the fourth analysis module is based on a fourth set of user-defined parameters that qualify the internal or external data* (¶ 0024 which teaches that customer 16 must typically create both short term and long term demand forecasts for service parts based on data concerning the lifespan of products and their constituent parts, failure rates of products and their constituent parts, and any other suitable information" (e.g. a fourth set of user-defined parameters) in order that the marketplace 14 determines "optimal allocations of the services parts between various customers");

Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet, Salvo and Waller to include the teaching of Yang because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Fox does not expressly teach *wherein the allocation is based on contractual obligations with the set of suppliers and performance ratings for the set of suppliers* Examiner takes Official Notice that it is old and well known in supply management arts to based the allocations on contractual obligations with the set of suppliers and the performance ratings of the set of suppliers as evidenced by Lidow (US 2002/00194057 A1) which in ¶ 0069 teaches "[s]uch an ad hoc request is an order that no supplier has been prepared to receive as it was not forecasted or was not within forecasting tolerances defined in contractual arrangements between suppliers and customers" and ¶ 0159 which teaches that "[t]he transactional nature of these processes provides supply chain network 74 with information critical to some of the value added services it may offer. This information includes: customer/industry buying patterns, customer forecast accuracy, supplier performance, and product transitions." Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet/Salvo/Waller/Yang to include the teaching of Official Notice because the claimed invention is merely a combination of old elements, and in

Art Unit: 3623

the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### Response to Arguments

12. Applicant's arguments received on 13 November 2009 with regards to the 35 USC 103 rejection of claim 140 based on Fox et al. (U.S. 5,491,629) in view of Ouimet (US 2002/0107819 A1) and further in view of Waller et al., (US 2001/0047293 A1) have been fully considered, but they are not persuasive.
13. With regard to claim 140, Applicant argues that the prior art of record specifically that Fox, Ouimet and Waller **(1)** *fail to teach or suggest "analyzing... the internal and external data using a first analysis module to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise, and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters that qualify the internal or external data"*(page 12, 3<sup>rd</sup> ¶); **(2)** *that Ouimet fails to teach anything about analyzing internal and external data pertaining to components to be procured by an enterprise, where the analysis includes determining criticality ratings for the components that indicate the strategic importance of the components to operations of the enterprise, and where the analysis is performed based on a first set of user-defined parameters that qualify the internal or external data as recited in claim 140* (page 13, 2<sup>nd</sup> ¶); **(3)** *that Ouimet fails to disclose the recited criticality rankings of claim 140 [...]**The weights of Ouimet are completely unrelated to components to be procured by an enterprise* (page 13, last paragraph); **(4)** *that Ouimet fails to disclose the recited "first set of user defined parameters" of claim 140. [...]**Nowhere does Ouimet indicate that such target values qualify internal or external data pertaining to components to be procured by an enterprise* (page 14, 2<sup>nd</sup> ¶); **(5)** *Fox, Ouimet, and Waller fail to teach or suggest "analyzing. the internal and external data using a second analysis module to forecast prices for the plurality of components set by suppliers external to the enterprise, wherein the analyzing performed using the second*

Art Unit: 3623

*analysis module is based on a second set of user-defined parameters that qualify the internal or external data" as recited in claim 140 (page 14, last paragraph); (6) Ouimet fails to teach anything about analyzing internal and external data to forecast prices for components to be procured by a business or enterprise from external suppliers (page 15, 2<sup>nd</sup> ¶) and (7) that Fox, Ouimet, and Waller fail to teach anything about the analyses performed by the recited first and second analysis modules of claim 140, the references necessarily fail to teach or suggest "recommending.. . one or more proposed actions to take with respect to procurement of the plurality of components based on the analyzing performed using the first, second, and third analysis modules" as recited in claim 140 (page 15, 4<sup>th</sup> ¶).*

14. With regard to claims 230-232, Applicant argues that (8) claims 230-230 are not rendered obvious by Fox, Ouimet, and/or Waller and the other cited references do not remedy the deficiencies of Fox, Ouimet and Waller (page 16, 3<sup>rd</sup> ¶). Examiner respectfully disagrees. Please see the updated rejection above as necessitated by amendment and the response to arguments below.
15. In response to Applicant's arguments (1) (2), (3) and (4) with respect to claim 140, Examiner respectfully disagrees. Fox teaches *analyzing by the computer system of internal and external data* in col. 12, lines 1-9; col. 14, lines 53-56; Analysis of the potential impact is made. Fox does not expressly teach the following limitations. However Ouimet in an analogous art of strategic planning for the purpose of determining criticality ratings (¶ 0069) as shown does:

*using a first analysis module (Figure 8) "to determine criticality ratings for the plurality of components, wherein the criticality rating for a component indicates the strategic importance of the component to operations of the enterprise (¶ 0069: "[t]he system gives the user the option of ranking" (e.g., determine criticality ratings) "the multiple Strategic Objects" (e.g., the plurality of components) "in terms of weights" (e.g., criticality ratings) "to prioritize multiple strategic objectives" (e.g., indicates the strategic importance of the component of the operations of the enterprise) "or in terms of a target value" (e.g., a first set of user-defined parameters, for example maximize profit) "for a particular Strategic Objective."");*



*and wherein the analyzing performed using the first analysis module is based on a first set of user-defined parameters (figure 7) that qualify the internal or external data* (§ 0069 “When presented with a target value” (e.g., a user-defined parameters) “for a Strategic Objective, the system operates to find the proper weight” (e.g., determine criticality ratings indicating the strategic importance) “for the Objective” (e.g., the component to operations of the enterprise) “that will yield the target value after optimization. When presented with the weight of a Strategic Objective, the system proceeds to optimize the model in light of that weight.”

In order to determine whether a target value have been reached the data must be qualified, further, the weights of Ouimet are related to components to be procured by an enterprise because Ouimet provides an automated planning model that calculates the outcomes (e.g., procure profit maximization) based on a large number of scenarios defined by the user.

16. In response to arguments (5) and (6) have been considered but are moot in view of the new ground(s) of rejection. Please see the updated rejection above as necessitated by amendments.
17. In response to argument (7), Examiner respectfully disagrees. Please see the updated rejection above as necessitated by amendment.
18. It is noted that the applicant did not challenge the officially cited facts in the previous office action(s) therefore those statements as presented are herein after prior art. Specifically it has been established that it was old and well known in the art at the time of the invention that:

As per claim 231, Fox does not expressly teach *wherein the allocation is based on contractual obligations with the set of suppliers and performance ratings for the set of suppliers* Examiner takes Official Notice that it is old and well known in supply management arts to based the allocations on contractual obligations with the set of suppliers and the performance ratings of the set of suppliers as evidenced by Lidow (US 2002/00194057 A1) which in § 0069 teaches “[s]uch an ad hoc request is an order that no supplier has been prepared to receive as it was not forecasted or was not within forecasting tolerances defined in contractual arrangements between suppliers and customers” and § 0159 which teaches that “[t]he transactional nature of these processes provides supply chain network 74 with information critical to some of the value added

Art Unit: 3623

services it may offer. This information includes: customer/industry buying patterns, customer forecast accuracy, supplier performance, and product transitions.” Therefore, it would have been obvious to one of ordinary skill in the art to modify Fox in view of Ouimet/Salvo/Waller/Yang to include the teaching of Official Notice because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

### **Conclusion**

**19.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shavit et al., (US 4,799,156) disclose an interactive market management system.
- Hafner et al., (US 5,893,076) disclose a supplier driven commerce transaction processing system and methodology.

Art Unit: 3623

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nadja Chong** whose telephone number is **571.270.3939**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **BETH BOSWELL** can be reached at **571.272.6737**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

*Commissioner of Patents*

*P.O. Box 1450*

*Alexandria, VA 22313-1450*

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office**

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